

1 WO
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 United States of America,
10 Plaintiff,
11 v.
12 John Ferron,
13 Defendant.

No. CV-13-1339- PHX DGC

ORDER

14
15 On July 3, 2013, Plaintiff filed a complaint and emergency ex parte motion to
16 permit the United States, through competent medical practitioners employed by or
17 contracted with the Public Health Service, Division of Immigrant Health Services, to
18 involuntarily administer food, nutritional support, fluids, and to conduct medical
19 monitoring, including laboratory tests, to Defendant who has been on a self-described
20 hunger strike since July 29, 2013. The motion is supported by the declaration of Dr.
21 Carlos M. Quinones.

22 The Court concludes that the requirements of Federal Rule of Civil Procedure
23 65(b)(1)(A) are satisfied even though the government has not submitted the required
24 affidavit or verified complaint. Immediate and irreparable injury will occur if the Court
25 waits for Defendant to respond in opposition.

26 The Court also concludes that the government is likely to succeed in showing that
27 its interests in discharging its duties to care for those in its custody and in furthering
28 legitimate penological objectives outweighs any interest Defendant might have in

1 expressing himself through a hunger strike. *See In re Soliman*, 134 F. Supp. 2d 1238
2 (N.D. Ala. 2001). The Court also concludes that the other requirements for a temporary
3 restraining order are met – there is a likelihood of irreparable harm, the balance of
4 hardship tips in favor of the government, and public policy favors preserving Defendant's
5 life.

6 The government's motion for a temporary restraining order is granted. The United
7 States shall be permitted immediately and involuntarily to administer food, nutritional
8 support, and fluids to Defendant, and to conduct medical monitoring, including
9 laboratory tests.

10 This order shall remain in effect for 14 days unless extended under Rule 65(b)(2).
11 A further status hearing shall be held on July 11, 2013, at 4:00 p.m.

12 Signed this 3rd day of July, 2013, at 5:55 p.m.

13
14
15 
16

17 David G. Campbell
18 United States District Judge
19
20
21
22
23
24
25
26
27
28